

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

REQUEST FOR CONFIDENTIAL TREATMENT OF	)	
INFORMATION FILED WITH SOUTH CENTRAL	)	
BELL TELEPHONE COMPANY'S PROPOSED	)	CASE NO. 94-136
CONTRACT WITH METROPOLITAN SEWER	)	
DISTRICT	)	

O R D E R

This matter arising upon petition of BellSouth Telecommunications, Inc., d/b/a South Central Bell Telephone Company ("South Central Bell"), filed April 7, 1994, pursuant to 807 KAR 5:001, Section 7, for confidential protection of the cost support data developed in connection with a special service arrangement with Metropolitan Sewer District for Native Mode Lan Interconnection service on the grounds that disclosure of the information is likely to cause South Central Bell competitive injury and it appearing to this Commission as follows:

South Central Bell has contracted with the Metropolitan Sewer District to provide a service referred to as Native Mode Lan Interconnection service. With several locations in the Louisville area, the Metropolitan Sewer District has Local Area Networks, or LANs, in place to connect its computer network. The new service, Native Mode Lan Interconnection, is a fiber based service which connects between the LANs.

The information sought to be protected is not known outside South Central Bell and is not disseminated within South Central

Bell except to those employees who have a legitimate business need to know and act upon the information. South Central Bell seeks to preserve and protect the information through all appropriate means.

KRS 61.872(1) requires information filed with the Commission to be available for public inspection unless specifically exempted by statute. Exemptions from this requirement are provided in KRS 61.878(1). That section of the statute exempts 11 categories of information. One category exempted in subparagraph (c) of that section is commercial information confidentially disclosed to the Commission. To qualify for that exemption, it must be established that disclosure of the information is likely to cause substantial competitive harm to the party from whom the information was obtained. To satisfy this test, the party claiming confidentiality must demonstrate actual competition and a likelihood of substantial competitive injury if the information is disclosed. Competitive injury occurs when disclosure of the information gives competitors an unfair business advantage.

South Central Bell's competitors for Native Mode Lan Interconnection service are providers of fiber networks. The information sought to be protected would provide such competitors with South Central Bell's cost and contributions from the service which the competitors could use to market their competing service to the detriment of South Central Bell. Therefore, disclosure of the information is likely to cause South Central Bell competitive injury and the information should be protected as confidential.

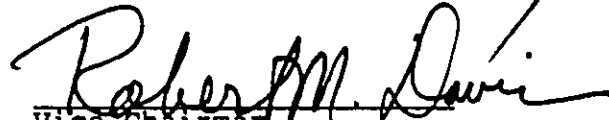
This Commission being otherwise sufficiently advised,

IT IS ORDERED that the cost support data developed by South Central Bell in connection with its special service arrangement contract with the Metropolitan Sewer District for Native Mode Lan Interconnection service, which South Central Bell has petitioned be withheld from public disclosure, shall be held and retained by this Commission as confidential and shall not be open for public inspection.

Done at Frankfort, Kentucky, this 27th day of April, 1994.

PUBLIC SERVICE COMMISSION

  
Chairman

  
Vice Chairman

  
Commissioner

ATTEST:

  
Executive Director